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**MINUTES**  
**BOARD OF FORESTRY AND FIRE PROTECTION**  
**FULL BOARD OF FORESTRY MEETING**

**Sacramento, CA**

**February 5-6, 2008**

**BOARD OF FORESTRY MEMBERS PRESENT:**

Stan Dixon, Chair  
Pam Giacomini, Vice Chair  
David Nawi  
Jim Ostrowski  
Bruce Saito  
Lloyd Bradshaw  
Gary Nakamura  
Doug Piirto  
Tom Walz

**MEMBERS ABSENT:**

None

**BOARD STAFF:**

George Gentry, Executive Officer  
Eric Huff, Executive Officer, Forester's Licensing  
Teri Ashby, Board Counsel  
Chris Zimny, Regulations Coordinator  
Carol Horn, Executive Assistant

**DEPARTMENTAL STAFF:**

Crawford Tuttle, Chief Deputy Director  
Dave Hillman, Chief, Law Enforcement & Fire  
Protection  
Giny Chandler, Department Counsel

*The Board's Mission:*

*To lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands and a fire protection system that protects and serves the people of the state.*

## **EXECUTIVE SESSION**

**February 5, 2008**

**Time: 4:00 p.m.**

### **1. Call to Order**

Chairman Dixon called the Board of Forestry and Fire Protection to order.

### **2. Adjourn to Executive Session**

Chairman Dixon adjourned to Executive Session.

## **REGULAR SESSION**

**February 6, 2008**

**Time: 8:00 a.m.**

### **3. Reconvene Regular Session**

Chairman Dixon reconvened the Board to regular session.

### **4. Announcement of Actions taken in Executive Session**

Chairman Dixon said the Board would need more time for Executive Session today, and they would adjourn to continue Executive Session later during the meeting.

### **5. Approval of Minutes from the Regular Meetings of October 2007 and January 2008**

The January and October Board Meeting minutes were deferred to the March meeting.

### **6. Report of the Chairman**

Chairman Dixon did not make a report in order to keep the meeting short, due to Senate Confirmation for some Board Members at 2:00 today.

### **7. Report of the Director/Department.**

Mr. Crawford Tuttle, Chief Deputy Director for CAL FIRE, said tomorrow the Governor's Tahoe Commission continues their work. They are looking at and organizing approximately sixty recommendations that have surfaced during the committee process that had been used. The Tahoe Commission will have four meetings this month, and will have two meetings next month. The last meeting will be March 21, then recommendations will be compiled and a draft report would go to the Governor and public review. CAL FIRE has been working with the Department of Parks and Recreation to reforest lands from the 2003 fire siege in the San

Diego area, restoring 1000-3000 acres. Mr. Tuttle said CAL FIRE have been working with the Fish and Wildlife Service and the Department of Fish and Game to train CAL FIRE teams to better review THPs, as CAL FIRE are looking at taking on a greater level of responsibility with regard to looking at plans for their potential impacts on the Northern Spotted Owl. Due to budgetary considerations the Fish and Wildlife Service notified CAL FIRE last fall that they were going to scale back on their workload in that area. CAL FIRE would like to keep them involved with making the critical determination on federal listed species. Mr. Tuttle said CAL FIRE is looking at ways to supplement staff at the Service so they might be able to continue to maintain at a reduced level. CAL FIRE has been conducting CEQA training throughout the state. Two have been conducted in Ukiah and Redding, and two are scheduled for southern California. The Department has also been working with DFG on efforts to better collaborate on looking at riparian impacts, particularly on the North Coast. CAL FIRE will begin a series of briefings with DFG later this month to better organize their efforts and staff capability. Mr. Tuttle said they plan to focus their staff resources on looking at planned reviews to make sure there is no diminishment of quality and analysis of plans as they are reviewed to protect the CEQA equivalency process. CAL FIRE just had their third session with ARB on forestry sector. They have conducted stakeholder meetings. The goal of the sessions are to amplify and flush out the concepts and activities the Department have already put forward to make sure they have not left out any prime scene areas where they might be able to sequester greater amounts of carbon in the forestry sector. The next meeting with ARB will be held on February 22. Mr. Tuttle said the Department had made progress with ARB staff on economic analysis.

Member Nawi said he heard that the Department had funded the scientific literature review for T/I rules at a level where the Board should be able to get well-qualified people. Member Nawi thanked Mr. Tuttle.

Member Piirto asked Mr. Crawford where the Department was in the final development of the 1996 Fire Plan.

Mr. Crawford said that was not moving along very quickly. Fire Marshal Dargan was not available to attend the Resource Protection Committee to make that presentation.

## **8. Report of Board's Advisory Committees**

### **California Oak Mortality Task Force (COMTF)**

Ms. Katie Palmieri gave the California Oak Mortality Task Force report. The COMTF report was contained in Board Binder. COMTF's annual meeting will be held in April in San Rafael.

### **Range Management Advisory Committee (RMAC)**

The Range Management Advisory Committee met yesterday, February 5. There was no report of the RMAC.

### **Monitoring Study Group (MSG)**

Mr. Pete Cafferata gave an update on the Monitoring Study Group. Mr. Cafferata's report was contained in the Board Binder. The next meeting is scheduled for February 13 in Redding.



## **Professional Foresters Examining Committee (PFEC)**

Mr. Eric Huff reported that the next PFEC meeting will be held on February 28 next meeting, and they will review the draft exam to be held April 11. The Francis Raymond Award will be held March 4 in Sacramento in honor of Mr. Bill Dennison, and anyone interested in attending should contact Mr. Huff.

### **9. Report of the Department and PG& E on the Results of the Major Woody Stem Rule.**

Mr. Dave Hillman said the Department was working under an emergency exemption for the clearance of powerlines in relationship to tree stumps and major burns. CAL FIRE agreed to the exemption and a two-year study about two months ago. Mr. Hillman said PG&E took the lead in presenting the information and science to CAL FIRE, which was good science, well thought and well documented. During the fire siege in October, CAL FIRE paid special attention to the temporary exemption to see if it had any impacts on the fire causes in Southern California. Mr. Hillman said that answer was no. CAL FIRE had fires caused by wind-related electrical power distribution systems, but none were closely related to the temporary exemption. All CAL FIRE units are keeping an eye on fire causes. Mr. Hillman said one of the agreements on the temporary exemption was that PG&E would provide CAL FIRE with a data base of trees that they felt met the exemption and that PG&E was going to study. PG&E have produced the data base to CAL FIRE on a cd. Chief Hillman said they would like to continue the study for another 18 months and they will give updates to the Board.

Mr. Darren Sante, Temporary Director of the Vegetation Management Department at PG&E, said PG&E would very much like to extend the exemption. PG&E are currently documenting every location in their service area where they believe the situation exists, and will monitor on a regular basis, and they do not feel it pose any threat to the public, increased fire or service liability issues.

Chief Hillman said one concern the Department did have was that the existing electrical powerlines that have insulation on them, they did not want the utilities to replace that just because the exemption was in place. PG&E absolutely agreed with the Department on that issue, and the Department was making sure that other utilities, primarily Southern California Edison and San Diego Gas and Electric, understand that the intent is not to replace "tree wire" or insulated wire. It allows them to not cut down a Majestic tree just because it falls within the range with separations. Chief Hillman will report back to the Board in six months on the progress of the study.

### **4. (continued from earlier) Announcement of Actions taken in Executive Session**

Board Counsel Teri Ashby reported the Board had agreed to provide Mr. Vince Taylor with a tolling agreement on the statute of limitations to bring a legal action against the newly certified EIR for Jackson State Forest until April 7, 2008. It is conditioned on all petitioners of the original lawsuit agreeing to an amendment to the original lawsuit's settlement agreement. The amendment would provide that CDF would refrain from harvesting only on THPS 483 and 484 based on certain conditions, not all timber harvesting on JDSF.

Mr. Huff, Executive Officer Professional Foresters Registration, reported on Case #33-D-217 involving Scott R. J. Feller, RPF 1950 as follows:

The Board alleged that Mr. Feller repeatedly failed to comply in any way with the terms of the Board's Order of November 13, 2002. Specifically, Mr. Feller did not complete his probationary requirements and petition the Board for reinstatement of his license to good standing prior to July 1, 2004.

The Board accordingly sought to vacate the terms of probation and revoke Mr. Feller's license to practice forestry. The matter was heard by Administrative Law Judge, Gary Geren in Sacramento on December 10, 2007. Thereafter, Judge Geren provided the Board with his proposed decision, dated January 14, 2008.

The Board adopted Judge Geren's proposed decision of January 14, 2008 during its Executive Session of February 5, 2008. Pursuant to that decision and in accordance with the Professional Foresters Law, Public Resources Code §750, *et seq*, Mr. Feller's license to practice forestry is hereby revoked, effective immediately.

#### 10. Report of the Board's Committees

##### Forest Practice Committee

Member Nawi, Chair of Forest Practice Committee, said Mr. Zimny summarized the Committee meeting and his notes are included in the Board Binder. Chair Nawi asked for the Board to take action on two items.

The first item was to ask the Board to authorize TAC Chair to request their continuing participation in review of the T/I rules. The original intent was that TAC duties would sunset in July 2008 and would be limited to riparian functions. Request would ask TAC members to continue beyond that date and expand the scope of its discussions to science related to other aspects of the T/I rules. TAC composition may be modified to provide sufficient knowledge on other T/I topics or to obtain different agency staff to accommodate workload issues.

The second action item was that the Board request via letter to all interested parties and agencies to sent out as soon as possible and be posted on the Board website, written scoping comments identifying rule sections or issues for consideration by the Committee and Board. Comments to be requested for submission by the close of business on Friday, February 22.

**02-06-10: Member Nawi moved that the Board request the Chair of the TAC would contact the TAC to request their continuing work and service as the Technical Advisory Committee to address the science and technical advisory issues involved beyond just riparian functions aspects that they have been doing so far. Member Nakamura seconded the motion. All Board members were in favor, and the motion passed unanimously.**

**02-06-10: Member Nawi moved that the Board authorize staff to put out a notice to extend the sunset date of the T/I rules to December 31, 2009. Member Piirto seconded the motion. All Board members were in favor, and the motion passed unanimously.**



## **Policy Committee**

Member Ostrowski, Chair of the Policy Committee, said they had a good meeting yesterday. The only action item they had was the biennially report to the Legislature and the Governor on the extent of what the state needs for forest management research and recommend the conduct of needed projects. The Policy Committee was transmitting the report to the Board with recommendation from the Committee for approval. A complete version will be transmitted to Board Members electronically. The report contains graphs, final draft, charter for the Research and Science Committee, which includes a flowchart for how the Research and Science Committee will interact with the Board and other Committees to fully integrate science information into the policy integration. Chair Ostrowski said they will be seeking Board approval and transmission of the report.

## **Management Committee**

Member Piirto, Chair of the Management Committee, said the Management Committee had no action items. A detailed report of the Management Committee Meeting was contained in the Board Binder, and Member Piirto encouraged Board Members to read it.

## **Resource Protection Committee**

Member Giacomini, Chair of the Resource Protection Committee said the RPC had no action items to report. Work is continues on the Fire Plan and they are working to develop strategic items that need to be included in Fire Plan. Mr. Jeff Stephens gave an update on the VTP EIR. Member Walz agreed to replace Member Saito as a subcommittee member reviewing the administrative draft of the VTP EIR.

### **11. Report of the Regulations Coordinator**

No report was made by the Regulations Coordinator; Mr. Zimny went over the regulation status at the Forest Practice Committee meeting.

### **12. Report of Executive Officer**

Executive Officer Gentry distributed a draft memo on Rule Making, dated February 1, 2008. The draft memo was distributed at the Policy Committee and to all Board Members. Mr. Gentry requested Board Members to review the draft memo be sure he had addressed all of their concerns. .

### **13. Public Forum**

Mr. Bruce Castle, representing Ebbetts Pass Forest Watch, provided the Board with two handouts on the Black Tail THP. Mr. Castle wanted to show how much forest had been destroyed. The pictures are representative of clearcuts by Sierra Pacific Industries in Calaveras County. Mr. Castle would like to have the Board readdress the broader issue of the visual impact of clearcutting regardless of where in the California Mountains it occurs. Mr.



Castle said the Forest Practice Rules needed to be reviewed and reevaluated. Mr. Castle hoped the Board would provide feedback to him on his handouts.

Mr. Richard Gienger said he does contract work for EPIC, but he does not always represent EPIC, sometimes he represents himself. Mr. Gienger asked Executive Officer Gentry if there was an exemption for the Elk River Emergency Rule Petition.

Executive Officer Gentry said he sent a letter to the to the parties requesting that they resubmit their package in a manner more in compliance with 1134.6 so they may state exactly what rules they are asking to have amended and what authorities.

Mr. Bill Key, representing California Licensed Foresters Association, said he submitted a letter with nine findings and recommendations to the Tahoe Commission. The next meeting of the CLFA will be held in Sacramento. The workshop will be held on Thursday, February 6, and the theme of the general session will be forestry success stories on Friday February 8.

#### 14. **New and Unfinished Business**

There was no new or unfinished business.

#### 15. **Adjournment**

Chairman Dixon adjourned the February 2008 meeting of the Board of Forestry and Fire Protection.

Respectfully submitted,

ATTEST:

George D. Gentry  
Executive Officer

Stan Dixon  
Chairman

Copies of the attendance sheets may be obtained from the Board Office.